

REMARKS

Examiner Objections

The Examiner objected to claim 1-11 and 13-36 “because of . . . informalities or grammar errors.” *Office Action*, 2. In amending claims 1 and 35, and cancelling claim 36, the Applicants have addressed the grammatical concerns.

The Examiner objected to the specification for not providing proper antecedent basis for Applicants’ claimed element of the boundary domain in claim 15. See *Office Action*, 2. The Applicants have amended claim 15 and thus the Examiner’s objection to the specification is now moot.

Rejections Pursuant to 35 U.S.C. § 112

The Examiner rejected claims 1-11 and 13-36 under 35 U.S.C. § 112 ¶ 2. See *Office Action*, 3. The Applicants have amended the claims to reflect proper antecedent basis and to further clarify the claimed subject matter as per the Examiner’s indications. In addition, the Applicants have cancelled claim 36. As such, the Examiner’s rejection under 35 U.S.C. § 112 ¶ 2 is overcome.

Rejections Pursuant to 35 U.S.C. § 101

The Examiner rejected claim 36 because “[a] system’ including a classifier (i.e. software) does not include any functional hardware structure of a system.” *Office Action*, 4. The Applicants have cancelled claim 36, and as such the rejection under 35 U.S.C. § 101 is overcome.

Rejections Pursuant to 35 U.S.C. § 102

The Examiner rejected claims 1, 3-5, 7-8, 10, 14-15, 17-18, and 30-36 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Application Publication 2004/0068542 to Lalonde et al., hereinafter *Lalonde*. See *Office Action*, 5. In light of the present amendments, the Applicants traverse this rejection.

Claim 1 has been amended to incorporate subject matter from former claim 22 and now recites:

1. A method of classifying a message, including:
 - determining the domain from which the message is purported to be sent;
 - determining an IP address from which the message was relayed at some point in transmission of the message;
 - associating the domain with the IP address to create an IP address and domain pair;
 - classifying the message using the IP address and domain pair based on one or more classification variables; and
 - assigning a score to the IP address and domain pair, the score comprising a ratio of a first classification variable to a second classification variable, the one or more classification variables decaying with time.

The Examiner rejected now cancelled claim 22, stating that “*Murray* teaches wherein classifying includes decaying a classification variable with time.” *Office Action*, 12.

However, *Murray* merely teaches that periodically, a determination may be made about a sender’s reputation that merits release of a message from a spam folder. See *Murray*, col. 3 l. 30-35. *Murray* does not teach, *inter alia*, “assigning a score to the IP address and domain pair, the score comprising a ratio of a spam classification variable to a good classification variable, the one or more classification variables **decaying with time**” as recited in claim 1 (emphasis added). A similar amendment may be found in independent claim 35. As such, the rejection under 35 U.S.C. § 102(b) is overcome.

Rejections Pursuant to 35 U.S.C. § 103

Rejection of Claims 9 and 13 over Lalonde

The Examiner rejected claims 9 and 13 under 35 U.S.C. § 103(a) as unpatentable over *Lalonde*. The Examiner contended that “[i]t would have been obvious . . . to include IP address preconfigured to be one hop or any hop from a gateway IP address.” *Office Action*, 8. Claims 9 and 13 are each dependent on claim 1 directly. Since claim 1 is not obvious, the rejections under 35 U.S.C. § 103(a) are overcome and these claims are allowable. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Rejection over Lalonde in view of Murray et al.

The Examiner rejected claims 2, 6, 11, 16, and 19-28 as unpatentable over *Lalonde* in further view U.S. Patent No. 7,366,761 to Murray et al. (hereinafter *Murray*). Since claims 2, 6, 11, 16, and 19-28 are each dependent on claim 1 either directly or via an intervening claim, the rejections under 35 U.S.C. § 103(a) are overcome and these claims are allowable. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

CONCLUSION

The Applicants have amended claims 1 and 35 and cancelled claim 36 to address the Examiner's grammatical concerns. The Applicants have also amended claim 15 such that proper antecedent basis is reflected. As such the Examiner's objections are overcome.

The Applicants have amended claims 1-11 and 13-35 as per the Examiner's indications in the *Office Action*. In addition, the Applicants have cancelled claim 36. As such, the Examiner's rejection under 35 U.S.C. § 112 ¶ 2 is overcome.

The Applicants have cancelled claim 36. As such, the rejection under 35 U.S.C. § 101 is overcome.

In light of the present amendments, independent claims 1 and 35 now recite, *inter alia*, assigning a score to the IP address and domain pair, the score comprising a ratio of a first classification variable to a second classification variable, the one or more classification variables decayed with time. Since *Lalonde* does not teach the same, the rejection under 35 U.S.C. § 102(b) is overcome. In view of the present amendments, the Examiner's rejections under 35 U.S.C. § 103(a) are also overcome, since the burden for establishing a *prima facie* case of obviousness has not been met.

The Applicant respectfully contends that the Examiner's rejections are overcome and that the application is in condition for allowance. The Examiner is invited to contact Applicants' undersigned representative with any questions concerning this matter.

Respectfully submitted,
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